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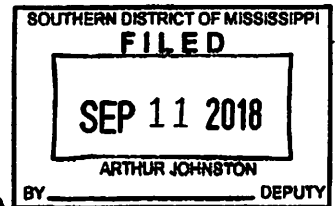
Thomas Campbell #62117

Vs.

Civil No. 3:17-cv-959-WHB-JCG

Officer Wheeler, et al.

8-17-18

Argument against Defendants Motion for  
Summary Judgement.

1) I did file 3 ARP's and all three were returned to me because Ms. Dempsey the lady that does the ARP's told me that I had 10 on file and that the kitchen had one of my ARP's on hold and she did this for over 3 months. She did not start accepting my ARP's again until I filed and ~~an~~ ARP on her for not accepting my ARP's. I have copies of all of the ARP's in my law work but recently I was put in the hole ~~and~~ because I was jumped on and I was put in the hole until they reviewed the camera almost a week later, when it should have been done the same day. I wrote an ARP Exhibit A and as you can see Ms. Dempsey said that this ARP is unclear. If you read it you can tell that

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it is very clear. I am fighting a very hard battle with both hands tied behind my back.

2) I have a motion to extend the time for my Response on Summary Judgment Exhibit B and had it to file on our Regular law library day 8-14-18 but they have the whole zone on lock down because of two inmates fighting and they refused me law library, even though I filled out an Inmate legal assistance form for the week. I talked to sargent Cotton and let her know, but she informed me that it was not her responsibility for law library.

Nurse Townsend talked to the officer in Charge on May 18, 2017 ~~and~~ regarding all the bruises on my head and the black eye and got me moved to Unit 3 B zone off of Unit 3 C zone where they have C-custody inmates mixed with regular B-custody inmates. Farmer 511 U.S. at 845 ("A prison official may be

Held liable under the 8th Amend for denying humane conditions of confinement only if he knows that inmates face a substantial ~~confinement~~ only if he knows that inmates face risk of serious harm and disregard that risk by failing to take reasonable measures to abate it. 11)

Exhibit H  
2) Peanut and Kelly are Gangsters, when I was on C-zone Kelly was moved off of C-zone to B-zone because I had him Red Tagged, when I was moved to B-zone he was on A-zone but once I was put on B-zone he was moved back to B-zone even though I had him red tagged for sexually assaulting me.

Exhibit G  
3) Kelly sexually assaulted me in Oct 2015 then he paid another inmate to stab me once above the eye and once in the back of the head but they still put him on the same zone with me twice even though he was red tagged meaning he was supposed to be kept away from me.

4) When I was attacked by C-custody inmates I was a B-custody inmate and according to Mo. law I am not suppose to be housed in the same zone. on Housing Unit 3 C-zone they will not let the C-custody inmates sleep in the same cell but they have them housed on the same zone. Violent inmates are suppose to be separated from, non-violent.

5) Tina Bolden states that I am a "frequent Flier" in the ARP process. She also states that I have not filed any grievances through the ARP process regarding any of the altercations. However As you can see in Exhibit D + Exhibit E, I filed Exhibit D in May and I filed Exhibit E in June and I filed another one in July Exhibit F about the ARP Process holding one of my ARP's and not allowing me to file ARP but it was rejected but then in August the ARP Process started to accept my ARP without any of them ever being processed, so I never had 10 on file to begin with, Tina Bolden was just accepting what ARP's that she wanted too.

6) I also wrote a Grievance to Warden Hogan Exhibit G about how I had been beat and robbed twice and beaten three times.

7) Exhibit H I filed a grievance about Inmate Peanut Hitting me in the Face with a Lock and side of my head because J. Kelly had moved back on the zone and presumably had talked him into doing it because they were both Gangsters Exhibit I. Why would I file 8 ARP's about Peanut + Kelly and not about getting jumped on by Red + White C-custody Violent inmates. I filed ARP's on all of it as shown in my Exhibits.

## LAW AND ARGUMENT

### A. Summary Judgement Standard

1) You can allow a person to file Lawsuits in forma pauperis if they have 3 strikes when their Life is in danger. How is it not the same reasoning about ARP's when their Life is in danger.

2) I filed these ARPs at least twice that I ~~sent~~ copies of Exhibit D+E and Ms. Bolden read it and stamped it and returned it to me both times. She was allowing the kitchen to hold one of my ARPs illegally for over 4 months, so that I could not file, but when I filed an ARP on her in the end of July then in August Ms. Bolden started taking my ARPs and then I did not have 10 or file, so why was she really sending them back

B. Plaintiff is to exhaust available ARPs,

1) It states that I am to exhaust all available ARPs and Ms. Bolden made this where Exhibit D, E, + G where my only available ARPs because she was illegally holding one of my ARPs and not allowing me to file any other ARPs.

2) Exhaustion is mandatory and according to the PLRA I did exhaust all available ARP because Ms. Bolden had taken it upon herself to be Judge and Jury of my Available Administrative Remedies. She held or allowed the kitchen to hold one of my ARPs for over 4 months, making it impossible for me to ~~file~~ exhaust my ARPs all the way through. That is deliberate indifference to my health and safety by Ms. Bolden and she is suppose to be the mediator of the ARPs.

3) When it comments on me being a "frequent Flyer" of the ARP system. It is only because MTC takes advantage of the patients here because they are on medication and do not know anything about the law.

4) I did not intentionally file a lawsuit without Exhausting my Remedies. I only did what available administrative remedies were made available to me. The ARP Director is Judge and Jury of my ARPs, They determine which ARPs to be seen and which is to be backlogged. Meaning if you are a "frequent Flyer" as she calls me she can do what ever she wants to do with my ARPs if she wants to just to make the time limit run out. How is that legal? They are suppose to do them in order but they do not. For instance I have not had any new clothes for 2 years and you are suppose to get them every 6 months. I am still wearing the same old shoes and underwear. I had an ARP that I wrote in NOV 2017 Exhibit J about my state issue about Capt Donald and it finally went through 8-22-18



Argument Against Summary Judgment

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and instead of sending it through to some body over Capt Donald it was sent to Capt Donald and he suggested that I ~~and I~~ speak to my current Unit Manager and I have an ARP Exhibit J. I wrote a more current ARP about my stat issue and it was returned to me by Ms. Bolden. Simply stating that I have one on file already. Do you see what kind of Fight I am Fighting, Now I have got to write another ARP about my clothing issue and it will be 3 years before I can get clothing issue which should be done every 6 months. She is doing the same thing with my Met time and good time. she keeps ~~back~~ back logging it and they owe me 11 months good time and 2 months Met time and I would already have flat timed this sentence if my ARP would go through. She is trying to make me drop all of my other ARPs before she will put it through knowing that I really want to go home bad. I would have went home last month if I could get my good time. ~~Drop~~ So if the ARP process is holding one of my ARP's for over 4 months so that none will go through unless I drop some of them and she did not quit returning them to me and holding them until I filed an ARP on Ms. Bolden, which by the way was returned to me also, but then all of the sudden she started to accept my ARPs, Yes April, May, June, July before I could put any on file. They state that it is the abuse of the ARP process that keeps me from being able to file any ARPs but in truth they were holding one of my ARP in opposition to MDOC Policy. I am not the only one Ms. Bolden is ~~to~~ using her position as ARP Director to take advantage of Inmate Constitutional Rights. Several people have come to me telling me how she is taking advantage of them. I + Ps just like my clothing issue Exhibit J where it was wrote against Capt Donald and I wrote two since then that were returned to me because I already had one on file but the one on file was given to Capt Donald, the person I had wrote against and he told me to write another one because I did not live there any more and I had already waited a year on this ARP and 2 years on new clothes, underwear, socks and shoes etc. Which is clear deliberate indifference but according to Ms. Bolden and Mr. Griffin I am abusing my ARP privileges. When in fact I never write an ARP unless it is a violation of my ~~constitutional~~ constitutional rights, I found the request that Ms. Bolden wrote me concerning the kitchen holding one of my ARP's Exhibit K.

*James Caplan*